

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – PRES – Sri Md. Abdul Shafi and Sri K.Rajamouli, Assistant Executive Engineers (PR) – Request for revision of seniority in the cadre of Assistant Engineer and Assistant Executive Engineer on par with their juniors and to extend the benefit – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (ESTT.III) DEPARTMENT

G.O.Rt.No. 647

Dated:23.03.2009.
Read the following:-

1. Representation from Sri Md. Abdul Shafi, Assistant Executive Engineer, PR Division, Warangal, dt.21.09.2004.
2. Govt. Memo.No.156826/Estt.III/A2/2004, dt.01.12.2004, 16.01.2006, 03.05.2006 and 26.08.2006.
3. From the Engineer-in-Chief, PR., Hyderabad, Letter No.SO/V/29080 /2004, dated:30.05.2005, 02.02.2006, 20.06.2006 and 04.10.2006.
4. Govt. Memo. No.156826 / ESTT.III /A2/2004-6, dated:01.03.2007.
5. From the APAT., Orders, dt.29.07.2008 in O.A.No.1741/2007.
6. From the Engineer-in-Chief, PR., letter No.SO-II(3)/AEs/4943/07, dated:23.09.2008.

ORDER:-

In the reference 1st read above, Sri Md. Abdul Shafi, Assistant Executive Engineer, PR Division, Warangal has represented that he was appointed as Draughtsman Grade-III on 01.09.1982 and his services were regularized from the date of appointment. After acquiring the Degree qualification in B.Tech, he was promoted as Assistant Engineer with effect from 15.03.1991 along with (2) other candidates viz., Sri Prabhakar and Sri A.Venkatajam, who are juniors to him. Subsequently, they were promoted as Assistant Executive Engineers on 25.03.1990 and he was placed at Sl.No.1 and his juniors were placed at Sl.Nos. 2 & 3 respectively. The above orders were subsequently cancelled by the Engineer-in-Chief, Panchayat Raj and their services were regularized as Assistant Engineers only with effect from 15.03.1991. He has also represented that his juniors Sri Prabhakar and Sri A.Venkatajam were upgraded as Assistant Executive Engineers with effect from 15.03.1992 duly bypassing him. By knowing this fact, he made representation for similar benefit. As per the Rule 33 (a) & (b) of A.P. State and Subordinate Service Rules, the senior should be considered for promotion/appointment by transfer, while juniors are promoted. But, his case was not considered. Hence, he has requested the Government to review his case for up-gradation of services to the post of Assistant Executive Engineer on par with his juniors.

2. In the reference 3rd read above, the Engineer-in-Chief, Panchayat Raj, Hyderabad, among the others, has stated that Sri K. Rajamouli and Sri Mohd. Abdul Shafi, Assistant Executive Engineers were seniors to Sri B.Prabhakar and Sri A.Venkatrajam in the cadre of Draughtsman Grade – III. The incumbents were promoted as Assistant Engineers and their services were regularized with effect from 15.03.1991. As per the orders issued in G.O.Rt.No.1524 and 1525, Panchayat Raj and Rural Development (ESTT.III) Department, dt.28.09.1998, the incumbents Sri B.Prabhakar and Sri A.Venkatrajam were permitted to regularize their services in the cadre of Assistant Engineer with effect from 15.03.1991 by allowing consequential benefits such as appointment by transfer as Assistant Executive Engineer etc., As such, the case of Sri K.Rajamouli and Mohd.Abdul Shafi is similar to Sri B.Prabhakar and Sri A.Venkatrajam. Hence, he has requested the Government to examine the cases of Sri K.Rajamouli and Mohd. Abdul Shafi for up-gradation of services to the post of Assistant Executive Engineer, on par with their juniors.

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3. Government have examined the requests of Sri K.Rajamouli and Mohd. Abdul Shafi, Assistant Executive Engineers keeping in view the orders of Hon'ble A. P. Administrative Tribunal, in its judgement dt.07.10.2005 in O.A.No.8350/1998 and observed that any action on the orders of the G.O.Ms.No.662, dt.24.11.1987 and the amendments issued thereof for any purpose at this juncture is not in tune with the orders of the Tribunal in its judgement dt.07.10.2005 in O.A.No.8350/1998 and accordingly, rejected their requests, vide reference 4th read above.

4. Aggrieved by it, the applicants Sri Mohd. Abdul Shafi and Sri K.Rajamouli, Assistant Executive Engineers have approached the Hon'ble Tribunal in O.A.No.1741/2007. The Hon'ble Tribunal have disposed of the above OA., by extending the orders issued in O.A.No.5774/2007, Dt.10.04.2008 filed by Sri S.Bhaskara Rao, Assistant Executive Engineer. The operative portion of the judgement dt.10.04.2008 in O.A.No.5774/2007 is as under:

“ In view of the above, the applicant is entitled to the benefit sought for. Therefore, the impugned orders in Memo. No.18812/ESTT.III/A2/2006-3, dt.01.03.2007 are set-aside and the matter is remanded to the 1st Respondent with a direction to once again examine the same and to extend the benefit which was extended to the similar persons as the applicant is not seeking weightage which has been struck down in the orders passed in O.A.No.8350/98, dt.07.10.2005. Further, the 1st respondents is directed to complete the above exercise within a period of eight weeks from the date of receipt of this orders and pass appropriate orders. Accordingly, the OA is allowed”.

5. Government have examined the matter; keeping in view the reports of Engineer-in-Chief, Panchayat Raj, Hyderabad, rules in vogue at that time and also the orders of Hon'ble Tribunal and decided to extend the benefit of up-gradation of services to the post of Assistant Executive Engineer with effect from 15.03.1992 to Sri Mohd. Abdul Shafi and Sri K.Rajamouli on par with their juniors Sri B.Prabhakar and Sri A. Venkatarajam.

6. Government after careful consideration, hereby order to extend the benefit of up-gradation of services to the post of Assistant Executive Engineer with effect from 15.03.1992 to Sri Mohd. Abdul Shafi and Sri K.Rajamouli, Assistant Executive Engineers on par with their juniors Sri B.Prabhakar and Sri A.Venkatarajam, if the individuals are otherwise eligible and duly following the procedure of giving notices to the affected persons, if any, in the matter.

7. The Engineer-in-Chief, Panchayat Raj, Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**CHITRA RAMCHANDRAN,
SECRETARY TO GOVERNMENT.**

To

The Engineer-in-Chief, Panchayat Raj, Hyderabad.

The individuals concerned (**Thro: the ENC., HYD.,**)

Copy to :-

The Government Pleader for PR&RD., APAT., Hyderabad.

The PS to M (Panchayat Raj).

SF/SC.

// FORWARDED::BY ORDER //

SECTION OFFICER